

AN ORDINANCE

99475

AUTHORIZING AN AMENDMENT TO THE HENRY B. GONZALEZ FOOD AND BEVERAGE SERVICE AGREEMENT WITH RK GROUP JOINT VENTURE TO DECREASE THE NUMBER OF DAYS REQUIRED TO PROVIDE NOTICE TO THE CONTRACTOR OF THE CITY'S OPTION TO EXTEND THE AGREEMENT FROM NO LATER THAN 180 DAYS TO NO LATER THAN 90 DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OF THE CONTRACT.

* * * * *

WHEREAS, Ordinance No. 85056, passed and approved on October 24, 1996 authorized the execution of a five-year Food and Beverage Service Agreement (the "Agreement") between the City and the RK Group Joint Venture (the "Contractor") to provide food and beverage services at the Henry B. Gonzalez Convention Center; and

WHEREAS, the Agreement, in Section 2.2, provides for a five-year extension provided the City notify the Contractor of its intention of exercising the extension no later than 180 days prior to the expiration of the initial term of the Agreement; and

WHEREAS, the Agreement was executed on March 3, 1997, for an effective term of February 1, 1997 to January 31, 2005; and

WHEREAS, it has been calculated that 180 days from the termination date is August 2, 2004 and the City has not determined whether it will exercise its option to extend the Agreement; and

WHEREAS, the City and Contractor have agreed to decrease the number of days required to notify Contractor of City's intention to exercise its option to extend from 180 days to 90 days therefore requiring City to notify Contractor no later than November 1, 2004; and

WHEREAS, the City and Contractor intend to execute an amendment in accordance with Section 37.1 of the Agreement to reflect the intention of decreasing the number of days required to notify Contractor of the City's intention to renew, **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. An amendment to the Henry B. Gonzalez Convention Center Food and Beverage Agreement to decrease the number of days required to notify the Contractor of the City's intention to exercise its option to extend the Agreement from no later than 180 days prior to the expiration of the Initial Term of the Agreement to 90 days prior to the expiration of the Initial Term of the Agreement is hereby authorized. A copy of the Amendment in substantially its final form is attached hereto and made a part of this Ordinance as Exhibit A. A copy of the fully executed Amendment will be attached to this Ordinance and will replace Exhibit A.

SECTION 2. The City Manager or her designee is hereby authorized for a period of 45 days to execute any and all documents necessary to fulfill the purpose and intent of this Ordinance.

SECTION 3. This Ordinance shall become effective on and after the tenth (10th) day after passage hereof.


PASSED AND APPROVED this 22nd day of July, 2004.



M A Y O R

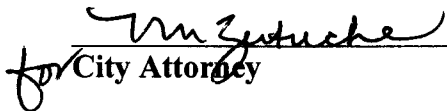
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney